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OJ 858-677-1496  
FJ 858-677-1477

October 1, 2001

Carolyn A. Erickson  
Vice President, Intellectual Property  
DIVERSA CORPORATION  
4955 Directors Place  
San Diego, CA 92121

Re: **United States Patent Application No. 09/753,752**  
Entitled: **SCREENING METHODS FOR ENZYMES AND ENZYME KITS**  
Filed: **January 2, 2001**  
Inventor: **Jay M. Short**  
Our Docket No.: **DIVER1200-3**

Dear Carolyn:

Enclosed please find the Response to Notice of Incomplete Reply for the above-identified patent application. These documents were filed with the United States Patent Office on October 1, 2001.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

**GRAY CARY WARE & FREIDENRICH LLP**

By: Lisa  
Lisa A. Haile, J.D., Ph.D.  
*lhaile@graycary.com*

Admitted to Practice in California

LAH:kdl  
Enclosure



PATENT  
Attorney Docket No.: DIVER1200-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT & TRADEMARK OFFICE  
Applicant: Short, J. Art Unit: 1645  
Application No.: 09/753,752 Examiner: Unassigned  
Filed: January 2, 2001  
Title: SCREENING METHODS FOR ENZYMES AND ENZYME KITS

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application please find:

1. Response to Notice of Incomplete Reply (2 pages);
2. Copy of Notice of Incomplete Reply (Nonprovisional) (2 pages);
3. Return postcard

No fee is believed due with the present response. However, please charge any fees, or make any credits, to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: October 1, 2001

Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189  
USPTO Customer Number 28213

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on October 1, 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

Karen LePari



PATENT  
Attorney Docket No.: DIVER1200-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short, J. Art Unit: 1645  
Application No.: 09/753,752 Examiner: Unsigned  
Filed: January 2, 2001  
Title: SCREENING METHODS FOR ENZYMES AND ENZYME KITS

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE OF INCOMPLETE REPLY**

In response to the Notice of Incomplete Reply, dated August 2, 2001, in connection with the above-identified application, please consider the following remarks.

The Notice of Incomplete Reply mailed August 2, 2001, states that "this application clearly fails to comply with the requirements of 37 C.F.R. §§1.821-1.825." Specifically, the Notice requests submission of a Sequence Listing with respect to the above application. It is respectfully submitted that the present application does not contain sequences requiring submission of a Sequence Listing under 37 C.F.R. §§1.821-1.825. As such, withdrawal of the Notice of Incomplete Reply is respectfully requested.

As defined in 37 C.F.R. § 1.821, "nucleotide and/or amino acid sequences as used in §§1.821 through 1.825 are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides." It is respectfully submitted that the above application does not contain any unbranched sequences of four or more amino acids or

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on October 1, 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

*Karen LePari*  
Karen LePari

Applicant:  
Short  
Application No.: 09/753,752  
Filed: January 2, 2001  
Page 2

PATENT  
DIVER1200-3

ten or more nucleotides. The only sequences disclosed in the application may be found at page 15, a sequence of eight nucleotides, at page 29, a sequence of eight nucleotides and in Table 1, where all amino acid sequences are less than four amino acids.

It is respectfully requested that the Examiner either specifically identify the sequences not in compliance with the requirements of 37 C.F.R. §§1.821-1.825, or that the Notice be withdrawn.

No fee is believed due with the present response. However, please charge any fees, or make any credits, to Deposit Account No. 50-1355. If the Examiner would like to discuss any of the issues raised in the notice of Incomplete Reply or this Response, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: October 1, 2001

  
Lisa A. Haile, Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/753,752	01/02/2001	Jay M. Short	DIVER1200-3

CONFIRMATION NO. 1890  
FORMALITIES LETTER

\*OC00000006373307\*

LISA A. HAILE, PH.D.  
GRAY CARY WARE & FREIDENRICH LLP  
Suite 1600  
4365 Executive Drive  
San Diego, CA 92121

Date Mailed: 08/02/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

*[Signature]*  
PART 2 - COPY TO BE RETURNED WITH RESPONSE